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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,615	10/15/2001	Jennifer K. Grenier	ERA-PAT015-USS	2586
33534	7590	04/08/2005	EXAMINER	
GREGORY T. PLETTA ERAGEN BIOSCIENCES, INC. 918 DEMING WAY MADISON, WI 53717-1944			LU, FRANK WEI MIN	
		ART UNIT	PAPER NUMBER	1634

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Supplemental Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/977,615	GRENIER ET AL.	
	Examiner Frank W Lu	Art Unit 1634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to \_\_\_\_\_.
2.  The allowed claim(s) is/are 20,21,24,26 and 29-35.
3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## DETAILED ACTION

### *Reasons for Allowance*

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Gregory Pletta (Reg. No. 47, 864) on December 10, 2004.

2. The application has been amended as follows:

Cancel claims 1-6, 8, 9, 12-19, 22, 25, 27, 28, and 36-39.

Replace "(c)" in step (c) of claim 20 with --- and---.

Replace "(d)" in step (d) of claim 20 with --- (c)---.

Replace "(e)" in step (e) of claim 20 with --- (d)---.

Delete ", if present" in steps (a) and (b) of claim 21.

Replace "triphasphate base" in step (d) of claim 21 with --- non-standard triphosphate base ---.

Replace "an extension product" in step b) of claim 24 with --- extension products---.

Replace "the tagged extension product of step (d)" in line 1 of step f) of claim 24 with --- the hybridization product of step (e)---.

Replace "the tagged extension product " in line 3 of step f) of claim 24 with --- the hybridization product of step (e)---.

Replace "(f)" in step g) of claim 24 with --- step (f)---.

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Replace "the product of step (f)" in step b) of claim 26 with --- the hybridization product of step (e)---.

Replace "(d)" in claims 29 and 30 with ---(c)---

3. The following is an examiner's statement of reasons for allowance:

Claims 20, 21, 24, 26, and 29-35 are allowable in light of the applicant's amendments filed on January 31, 2004 and the examiner's amendments. The closest prior art in the record are Wallace (WO 94/21820, published on September 29, 1994), Uguzzoli et al., (GATA, 9, 107-112, 1992) and Rust et al., (US Patent No. 5,605,794, published on February 25, 1997). These prior art either alone or in combination with the other art in the record does not teach or reasonably suggest the methods which comprise all of the limitations recited in claims 20, 21, 24, and 26.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CAR § 1.6(d)). The CM Fax Center number is (571)273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Lu, Ph.D., whose telephone number is (571)272-0746. The examiner can normally be reached on Monday-Friday from 9 A.M. to 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones, can be reached on (571)272-0745.

Any inquiry of a general nature or relating to the status of this application should be directed to the Chemical Matrix receptionist whose telephone number is (703) 308-0196.

Frank Lu  
PSA  
March 8, 2005

  
KENNETH R. HORLICK, PH.D  
PRIMARY EXAMINER

3/8/05